

U.S. Application Serial No. 10/647,355

REMARKS

The present amendment is being filed in response to the Official Action dated March 10, 2005, wherein the Examiner rejected pending claims 1-34. More specifically, claims 1-5, 10-12, 15-21, 27, 28, 33 and 34 are rejected under 35 U.S.C. §102(e) as being anticipated by Cao et al., US Published Patent Application No. 2004/0219921; and claims 6-9, 13, 14, 22-26 and 29-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cao et al., '921, in view of one or more of Landais et al., US Published Patent Application No. 2002/0137522, Demetrescu et al., US Patent No. 6,647,262, Bao et al., US Published Patent Application No. 2004/0196826, Muhonen, US Patent No. 6,751,472, and Akhteruzzaman et al., US Published Patent Application No. 2004/0203707. However, contrary to the assertions by the Examiner Cao et al., '921, either alone or in various combination with the other references being relied upon by the Examiner fail to make known or obvious the claims of the present application.

More specifically relative to claim 1, contrary to the Examiner's assertions, Cao et al., '921, which also serves as the base reference for all of the Examiner rejections, minimally fails to teach or suggest executing a handover from a first cell to a second cell, while in the second operating mode. Relative to claim 18, Cao et al., '921, minimally fails to teach or suggest switching between a first operating mode, which does not maintain a communication connection during a cell reselection, and a second operating mode, which does maintain a communication connection during a handover, prior to the time that the need for a cell reselection is predicted.

Alternatively, Cao et al., '921, is principally involved with the transition of user terminal from a first network type to a second network type [0033-0034], wherein a timer is modified associated with the report of presence relative to first network, such that if the report is not timely received, the connection between the mobile user and the first network can be more timely released [abstract, 0028, 0037]. While Cao et al., '921, appears to provide for a transition between the two different network types and their corresponding operating modes, the switch does not take place prior to a determined and/or predicted approximate time for reselection. Nor does the reference teach or suggest that a handover from a first cell to a second cell occurs, while in the second operating mode. The reference, Cao et al., '921, is silent as to any handover and/or reselection while in a particular common operating mode, and similarly fails to identify any associated context, which is consistent with the claims, within which such a transition between

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different cells occurs. Consequently contrary to the Examiner's assertions, the Examiner's rejection as presently articulated is deficient, in so far as it fails to adequately present a proper basis upon which the reference can be said to teach or suggest each and every feature of the claims, that the reference is alleged to anticipate, especially independent claims 1 and 18, as specifically noted above. The other references cited by the Examiner in connection with the rejections associated with other claims similarly fail to account for the above noted deficiencies.

To the extent that claims 2-17 and 19-34 are dependent upon base claims 1 and 18 which are neither anticipated nor obvious in view of the cited references, the additional features provided in the dependent claims would serve to only further distinguish the dependent claims, and therefore the dependent claims are minimally allowable in view of their dependence upon their respective allowable base claims.

Regarding the previous provisional election, which was made in response to the Examiner's telephone inquiry, the applicant hereby affirms the previous election, and in support thereof cancels claims 35-41 without prejudice, thereby reserving the right to refile the same, for example as part of divisional application. The presently identified inventorship has been reviewed and is believed to continue to be proper.

The applicants contend that the claims, as presently amended, are allowable over the prior art of record, for the reasons noted above. Allowance of the application is therefore respectfully requested. Should any issues remain unresolved after the consideration of the present response, the Examiner is invited to contact the applicant's representative at the number listed below to discuss the same.

Respectfully submitted,

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